

ORIGINAL

Federal Communications Commission

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

MM DOCKET NO. 93-42

File No. BPH-911115MG

File No. BPH-911115MO

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**SUPPLEMENT TO
THIRD PETITION TO ENLARGE ISSUES**

Willson has just discovered yet another instance of misrepresentation by Moonbeam. In its Direct Case Exhibit 2 page

she is presently licensed as a realtor false, but Mary Constant neglected to mention her real estate license was suspended when she was deposed on June 4. She was asked extensive questions about her so-called employment with James Warren & Sons (Realtors). In fact, it was apparent from her deposition testimony that Moonbeam's March 2, 1992 amendment and Integration and Diversification Statement claiming Ms. Constant has, as of March 25, 1992, become employed as an associate real estate agent for James Warren & Sons was completely misleading. She has received no compensation for her so-called employment, has been in the real estate offices only, at most, once a week, and has spent no active hours employed for James Warren & Son. See Exhibit 2.

WHEREFORE, it is respectfully requested that this supplement be considered in conjunction with Willson's Third Petition to Enlarge Issues.

Respectfully submitted,

GARY E. WILLSON

By 
A. Wray Fitch III
His Attorney

GAMMON & GRANGE
8280 Greensboro Drive
Seventh Floor
McLean, VA 22102-3807
(703) 761-5000

July 20, 1993

EXHIBIT 1

ROUTE TO: 0460MAG
TERMINAL: TERM-SFO1

07/14/93 08:54

PRINT PUBLIC INFORMATION REQUEST

SALESPERSON CONSTANT, MARY F
D1125247 P O 526
 NICASIO, CA 94946

CONDITIONAL SALESPERSON LICENSE WAS SUSPENDED 05/23/93.
EDUCATION REQUIREMENT TO MAINTAIN LICENSE PER SECTION 10153.4
HAS NOT BEEN MET. REQUIREMENT MUST BE MET BY 11/21/95.

FORMER NAME(S):

*** NO FORMER NAMES ON FILE ***

COMMENTS:

CONDITIONAL SUSPENSION PER 10153.4 B & P

05/23/93

>>> PUBLIC INFORMATION REQUEST COMPLETE <<<

EXHIBIT 2

ORIGINAL

1

BEFORE THE FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

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IN RE: APPLICATIONS OF : Docket No. MM93-42
:
MOONBEAM, INC. : File No. BPH-911115MG
:
GARY E. WILLSON : File No. BPH-911115MO
:
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McLean, Virginia

Friday, June 4, 1993

Deposition of MARY CONSTANT, called for examination by
counsel for Gary Willson, pursuant to notice, at the offices
of A. Wray Fitch, Esq., Gammon & Grange, 8280 Greensboro
Drive, Seventh Floor, McLean, Virginia 22102-3807, before
Barbara E. Ingle, a Registered Professional Reporter and
notary public in and for the State of Virginia, beginning at
9:30 a.m., when were present on behalf of the respective
parties:

1 FOR MOONBEAM, INC.:

2 LEE W. SHUBERT, ESQ. and SUSAN H. ROSENAU, ESQ.,
3 Haley, Bader & Potts, 4350 North Fairfax Drive,
4 Suite 900, Arlington, Virginia 22203-1633.

5 FOR GARY WILLSON:

6 A. WRAY FITCH III, ESQ. and JAMES A. GAMMON, ESQ.
7 Gammon & Grange, 8280 Greensboro Drive, Seventh
8 Floor, McLean, Virginia 22102-3807.

9 ALSO PRESENT:

10 Mr. Gary Willson.

1 MR. FITCH: Sure.

2 MR. SHUBERT: That was March 1992?

3 MR. FITCH: Yes.

4 BY MR. FITCH:

5 Q You also reported in your amended integration
6 statement filed in March of '92 that as of February 25th you
7 had become employed as an associate real estate agent for
8 James Warren and Son realtors. What was it at that time that
9 made you decide to become employed by this real estate
10 company?

11 A I just received my real estate license.

12 Q When did you receive your real estate license?

13 A I received my -- I think a real estate license in
14 California becomes effective as of the date you took the test
15 once you get notice that you've passed it, so that would have
16 been sometime in October or November of 1991.

17 Q And so you wanted to work somewhere?

18 A I wanted to -- no, my plans were to move to the
19 Napa Valley, so I specifically wanted to work in that area.

20 Q Describe for me your employment with James Warren
21 and Sons.

22 A By the word employment what do you mean?

23 Q Well, I guess I mean what you mean. You said you

1 had become employed, to use your words, as of February 25,
2 1992. Ms. Constant has become employed as an associate real
3 estate agent for James Warren and Son.

4 A By that I meant that rather than hold my license in
5 my own place of safe papers, I chose to find a company who I
6 was going to work for. And so I took my license to James
7 Warren and Son, and I interviewed with them extensively, with
8 Jack Warren and Casey Escher, who was the broker. And we
9 agreed that they would take my license at the time, I would
10 get to know the market as well as I could, and when I moved
11 to the area that I would go to work for them.

12 Q When you moved to the area you would work with
13 them?

14 A Right. Then I would become -- I mean I am an
15 associate realtor with them, but that I would become an
16 active associate realtor with them when I moved to the area.

17 Q Did you receive or have you received any
18 compensation at all from James Warren and Son?

19 A There is no compensation to receive in real estate
20 until there is a transaction.

21 Q So the answer is no, you have not?

22 A I have not.

23 Q Have you ever been in their offices?

1 A Yes.

2 Q How often?

3 A I've been in their offices probably at least once a
4 week.

5 Q Since February 25, 1992?

6 A Yes.

7 Q Is there a particular individual that you work
8 with?

9 A Yes, the broker. His name is Casey Escher.

10 Q And how many hours per week since February 25,
11 1992, on average have you spent working for James Warren and
12 Son?

13 A As I mentioned, I was not -- I am not -- I was not
14 going to be an active broker until I moved to the area
15 full-time, so I haven't spent any active hours.

16 Q All right. Then describe to me what you mean by
17 time that wouldn't be active, if any, that you've spent with
18 James Warren.

19 A Okay. I've spent time going to the office and
20 talking to Casey Escher, who is a broker. I've gone out on
21 -- Thursday is a house tour day, and I've gone out with him
22 on house tour day to look at new properties.

23 Q How many times have you done that?

1 A I've done that several times. I've made a point of
2 stopping to see and talk to Casey at least once a week.

3 Q And you currently live in Calistoga?

4 A Currently, I do.

5 Q All right. And since the move has your schedule
6 with respect to James Warren and Son changed at all?

7 A It hasn't changed drastically as yet. I'm in the
8 process of remodeling a house to live in. I'm in a house now
9 that is smaller than this room, probably about half.

10 Q And you're living in the house in Calistoga now; is
11 that correct?

12 A Yes, I am. I'm living there full-time.

13 Q And you're spending your time for the most part
14 remodeling the house?

15 A It's become a consuming occupation at this point
16 since we want to move into the farmhouse, which is another
17 residence on the property, as soon as we can.

18 Q Do you have any other employment at this point?

19 A I work from time to time as an actress and a model.

20 Q And how time consuming is that on a weekly basis?

21 A It's just basically -- it depends on how much time
22 I want to put into it.

23 Q How much time have you on average put in in the

1 last six months?

2 A In the last six months I've probably put in two or
3 three days a month.

4 Q When did you join the Calistoga Chamber of
5 Commerce?

6 A I joined the Chamber of Commerce --

7 MR. SHUBERT: Is this a memory test?

8 A I can't give you the date. I think there is a
9 letter thanking me for joining the Chamber of Commerce. It
10 must have been in the wintertime. It was a rainy day, that's
11 all I can remember. But if you want me to look up the
12 letter, I think it's in the record.

13 BY MR. FITCH:

14 Q I would like to know if you know off the top of
15 your head. If you don't, then that's fine.

16 A Well, I don't know off the top of my head. I think
17 the letter is in here somewhere.

18 Q Describe for me --

19 A There's probably a check too somewhere there.

CERTIFICATE OF SERVICE

I, George Culver, in the law offices of Gammon & Grange, hereby certify that I have sent, this 20th day of July 1993, by first-class, postage-prepaid, U.S. Mail, copies of the foregoing SUPPLEMENT TO THIRD PETITION TO ENLARGE ISSUES to the following:

The Honorable Edward Luton
Administrative Law Judge
Federal Communications Commission
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Washington, D.C. 20554

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George Culver

* Hand Delivery